



# ACADEMY *of* IDEAS

FREE MINDS FOR A FREE SOCIETY



“...in those wretched Countries where a Man cannot call his Tongue his own, he can scarce call any Thing else his own. Whoever would overthrow the Liberty of a Nation, must begin by subduing the Freeness of Speech.”

*Silence Dogood, pseudonym of Benjamin Franklin, The New-England Courant, Number 49, 2-9 July 1722*

Freedom of speech was once one of the West’s most cherished rights, but in the modern-day governments are attempting to strip us of this right. In almost all Western nations legislation is being introduced to thwart our ability to speak freely. Politicians and bureaucrats justify this anti-free speech stance in the name of the “greater good”. They claim that with more control over what people say, fewer people will be led astray by misinformation and disinformation and fewer people will be harmed by the criticisms and insults of hate speech. In this video we make the case that censoring and criminalizing the expression of misinformation, disinformation, and hate speech is an existential threat to a free and prosperous society.

“To suppress free speech is a double wrong. It violates the right of the hearer as well as those of the speaker. It is just as criminal to rob a man of his right to speak and hear as it would be to rob him of his money.”

*Frederick Douglass, A Plea for Free Speech in Boston, 1860*

In the West there have long been limits on what can and cannot be said. Property rights create one such limit. A property owner can assert the authority of my house, my rules and expel any individual from his or her premises who says something the property owner wishes not to hear. The principles of common law, which are foundational to many Western legal systems, also recognize

speech which threatens the person or property of another, conspires toward the committing of a crime, or incites others to violence, as requiring legal sanction. Laws against defamation and false advertising place additional limits on speech. The purpose of this video is not to argue against the value of these basic limits on our speech – rather our concern is solely with the dangers that arise if governments censor and criminalize what they consider to be misinformation, disinformation, and hate speech.

“...the opinion which it is attempted to suppress by authority may possibly be true. Those who desire to suppress it, of course, deny its truth; but they are not infallible. They have no authority to decide the question for all mankind and exclude every other person from the means of judging.”

*John Stuart Mill, On Liberty*

Disinformation is typically defined as false or inaccurate information that is spread with the intent to deceive, while misinformation is defined as false or inaccurate information that is spread without the intent to deceive. To accuse someone of spreading false ideas, a judgement must be made as to what is true. Government censorship of misinformation and disinformation, therefore, requires the creation of a regulatory body tasked with distinguishing between truth and deception.

Few people are naïve enough to believe that politicians and bureaucrats are mentally equipped to be the ultimate arbiters of truth, but many believe that governments can rely on the opinion of experts to determine if something is misinformation or disinformation. There are several reasons why experts are ill-suited to play this role. Firstly, there are relatively few ideas which all experts agree on. Politicians, therefore, can influence what will be classified as misinformation or disinformation through the selection of the experts authorized to distinguish between truth and error. Secondly, experts, like all of us, are corruptible by money and power. If granted the authority to determine truth for a society, it is very likely that most experts will fall prey to the same corrupting influences that turn politicians into forces of social destruction.

But even if an expert's motives remain pure, they are still not suited to play the role of ultimate arbiter of truth. For experts tend to be hyper-specialized in a specific field of study which creates a myopia in their vision. They may have a strong grasp on the current knowledge base of their domain, and they may be the best person to ask what is considered true right now, but it does not follow that the expert will always be attuned to the truth, especially if the truth is new and groundbreaking. Years of specializing in a single field of study often leaves the expert entrenched in their views and unwilling to consider competing points of view. For this reason, it is often the outsider who discovers the truths that revolutionize our understanding of the world; and the outsider is the very individual who risks censorship by the so-called expert. Or as Iain McGilchrist writes:

“...there is a prejudice against outsiders, who have the advantage of not starting with the same preconceptions. Hermann von Helmholtz's crucially important discoveries in physics were dismissed because he was a medical doctor and philosopher by training; equally Louis Pasteur's and Francois Magendie's medical discoveries were dismissed because they were not physicians. There is a tendency for many scientists to take an uncritically contemptuous, and at times, frankly, self-righteous attitude, to whatever might challenge the mainstream of conventional thinking.”

*Iain McGilchrist, The Matter with Things*

Another reason the expert is ill-suited to play the role of the ultimate arbiter of truth is because truth is not discovered by decree. Truths are converged upon through a spontaneous and free-flowing competition of ideas and in this process false ideas play a crucial role. False ideas are the contrast through which truth emerges, or as Frank Furedi writes in his book *On Tolerance*, truth emerges “*through the process of debate among competing views and opinions: from this perspective, even views that are deemed to be false can serve the positive end of forcing others to develop and clarify their opinions.*” (Frank Furedi, *On Tolerance*)

When a government bureaucracy, and its appointed experts, become the arbiters of truth this stunts the intellectual development of mankind. It hinders our ability to challenge the ideas of the status quo and thwarts the creative dynamic by which we test, refine, and discover new truths. The expression of what we believe to be false ideas should not be silenced, these ideas should be openly debated, for not only do false ideas help us arrive at truth, but sometimes what is thought to be false, is later discovered to be true. Or as John Stuart Mill wrote:

“The peculiar evil of silencing the expression of an opinion is, that it is robbing the human race; posterity as well as the existing generation; those who dissent from the opinion, still more than those who hold it. If the opinion is right, they are deprived of the opportunity of exchanging error for truth: if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error.”

*John Stuart Mill, On Liberty*

A further danger of permitting governments to censor and criminalize the expression of misinformation and disinformation, is that it creates an infantilized population. When a government claims that it is necessary to protect people from what they consider to be false or dangerous ideas, what they are asserting is that the population is too immature to exercise independent judgment. Like children, we are to be told what to believe, what is right and wrong, and what can and cannot be said. And as the philosopher Ronald Dworkin explains:

“Government insults its citizens, and denies their moral responsibility, when it decrees that they cannot be trusted to hear opinions that might persuade them to dangerous or offensive convictions. We retain our dignity, as individuals, only by insisting that no one – no official and no majority – has the right to withhold opinion from us on the ground that we are not fit to hear and consider it.”

*Ronald Dworkin, The Coming Battles over Free Speech*

The greatest danger of censoring and criminalizing misinformation and disinformation, however, is that it paves the way for totalitarianism. For as Frederick Douglass wrote:

“Liberty is meaningless where the right to utter one’s thoughts and opinions has ceased to exist. That, of all rights, is the dread of tyrants. It is the right which they first of all strike down. They know its power.”

*Frederick Douglass, A Plea for Free Speech in Boston, 1860*

All totalitarian nations of the past have censored speech and only permitted the expression of ideas that align with the ideology of the ruling party – all other ideas are classified as misinformation and disinformation. Creating a regulatory body tasked with determining what is to be considered true is

taking a page out of George Orwell's dystopian novel 1984. In this novel the totalitarian government that rules over society operates a Ministry of Truth and the bureaucrats who work there are tasked with censoring the arts, entertainment, news, and education industries:

"Whatever the Party holds to be the truth, is truth. It is impossible to see reality except by looking through the eyes of the Party."

*George Orwell, 1984*

When a government is granted the power to determine what is true it possesses a remarkable power over its citizenry. Without needing to use overt force it can engineer a population to act in the ways desired by the ruling class and it can quell dissent of destructive government policies by classifying it as disinformation. In his book *Propaganda: The Formation of Men's Attitudes*, the French philosopher Jacques Ellul wrote that "*The point is to make the masses demand of the government what the government has already decided to do.*" And the way a government does this is by creating the lens of ideas through which a population views the world. And as John Stuart Mill wrote:

"...an absolute power of suppressing all opinions would amount, if it could be exercised, to a despotism far more perfect than any other which has yet existed."

*John Stuart Mill, On Liberty*

Whether a government uses its powers of censorship to promote what it thinks is good for society, is irrelevant. The mere act of stifling our ability to make our own determination about what is true and what ideas we allow to shape our lives, is a totalitarian act, as it rids us of the personal autonomy that is integral to freedom, or as Furedi writes:

". . . [propagating and institutionalizing] forms of correct attitudes and behavior that are generated by government advisors and experts...is a form of social engineering that is devoted to re-educating people...If the term totalitarianism is to have any meaning, it is a system where the right to possess and act on private preferences is continually tested by officialdom."

*Frank Furedi, On Tolerance*

When the dangers of censoring and criminalizing the spread of misinformation and disinformation are recognized it becomes clear that if we favor freedom, social prosperity, and the moral and intellectual advancement of mankind, we should oppose this form of government censorship. But what about laws against hate speech?

Hate speech, as the author Nadine Strossen writes, can be defined as "*speech that expresses hateful or discriminatory views about certain groups that historically have been subject to discrimination or about certain personal characteristics that have been the basis of discrimination (such as race, religion, gender, and sexual orientation).*" (*HATE: Why We Should Resist it With Free Speech, Not Censorship*) One of the primary ways that hate speech laws are justified is by claiming that hate speech constitutes a form of violence. Just as physical blows cause bodily harm, hateful words inflict emotional and mental harm that can be deeply damaging to the health of one's psyche. If words can be weapons, then those who psychologically assault others with words, should be subject

to criminal prosecution. This position, however, amounts to a reconceptualization of language and a fetishization of words, or as Furedi explains:

“At its worst [the idiom of assaultive speech] fetishizes words, reinventing them as objects that contain destructive properties in and of themselves. Historically, the fetishization of words emerged with ancient mystical and religious thought: according to numerous creation myths, saying the word could turn it into reality, while a spell or a curse could literally destroy lives. In ancient Egypt it was believed that the spoken word had a transformative impact on the world. In some religions, the word for God could not be said for fear of unleashing its wrath. These early fantasies of ancient superstition have now been recycled by opponents of free speech in the shape of psychic threats.”

*Frank Furedi, On Tolerance*

This fetishization of words overlooks the fact that there is a categorical difference between an assault with a word and an assault with a physical object. If a man is struck with a fist to the face, he will experience harm no matter his mental state. But when it comes to the weapon of words, the degree of harm a victim experiences is determined by his or her psychological constitution. Some people can be at the receiving end of brutal insults and yet experience very little harm, while others can be psychologically crushed by the most minor of slights. When assaulted by the so-called weapon of words, our mental state is the biggest determinant of the amount of harm we experience and as Furedi writes:

“Unlike physical harm, our emotional harm is limited only by the imagination. Regardless of intent, a gesture or comment can be perceived in a way that causes emotional harm.”

*Frank Furedi, On Tolerance*

And this leads to a major problem with hate speech laws – what one considers as meeting the threshold of hate speech is completely subjective and by granting the government the power to make this judgement, the government can use these laws to silence any individual or group they desire. For example, they can claim that criticism of the government psychologically harms politicians, criticism of immigration levels psychologically harms certain ethnic groups, criticism of abortion laws psychologically harms women, criticism of climate change laws psychologically harms the youth, or criticism of a war psychologically harms one of the groups involved.

“If you can’t express your biases or your hatreds or what others perceive as your biases or hatreds, then you’ve been pre-emptively gagged. You are at the mercy of those who get to determine what is and what isn’t hate speech where hate speech is simply whatever those who are given to censorship and have the power to censor find hateful!”

*Gerard Casey, ZAP: Free Speech and Tolerance in the Light of the Zero Aggression Principle*

Censoring hate speech also divides a society. It creates groups who are protected from criticism by the government and groups who are not. The privileged treatment of the protected groups can increase the animosity directed toward them and turn them into targets due to what many perceive as unfair treatment. Furthermore, when people are prevented from expressing their hatred in words, this can lead to pent up frustrations that manifest in physical violence.

To make matters worse, censoring and criminalizing hate speech stunts the psychological development of the members of the protected groups. A key component of maturity is cultivating the capacity to endure criticism without breaking down psychologically. If we demand that a government use the force of the law to protect us from what we consider hate speech, we become complicit in the weakening of our sense of self. Instead of cultivating the resilience and power required to respond to, or ignore, the cruel words of others, we disempower ourselves and play the role of the victim – a role that is not conducive to individual flourishing, and as Furedi writes:

“There is something childlike about the refusal to deal with offence. Learning to live with the troublesome experiences of life – such as being slighted, overlooked, insulted and hurt – is an important feature of adult maturity. Calling attention to feeling offended is another way of saying, ‘I want your sympathy’ and ‘You fix it!’ While every human being requires the empathy of others, learning to sort out existential problems is an essential feature of a moral maturity, and taking offense is often a display of immaturity.”

*Frank Furedi, On Tolerance*

Not only do hate speech laws have many negative consequences, but they are also unnecessary as there are more effective ways to inhibit the expression of hate speech. All functioning societies have used informal social mechanisms, such as norms of politeness and etiquette, and most importantly social ostracism, to effectively minimize hateful rhetoric. It is a false dichotomy to believe that our options are between allowing governments to criminalize hate speech or allowing it to spread unchecked, or as Casey writes:

“You are not called upon when walking down Oxford Street, if you should come across someone weighing 500 pounds, to walk up to him and say, “My God, you’re disgustingly fat!” Such matters are controlled by informal social norms which are more extensive and more effective than we often give them credit for being, as indeed is the case with most of the things that we say and do. . . Without these moral and social constraints, it would scarcely be possible to organize a functioning society even with the most extensive and minute legal regulations.”

*Gerard Casey, ZAP: Free Speech and Tolerance in the Light of the Zero Aggression Principle*

Permitting governments to censor hate speech, misinformation, and disinformation creates a slippery slope. For if we, as a society, come to accept that hateful speech and false or dangerous ideas should be censored and the subject of legal control, why stop there? Why not restrict or punish thoughts? For the wrong type of thinking is what leads to the expression of hate speech and to the spread of misinformation and disinformation. If we can identify which individuals are thinking in the wrong way, perhaps we should re-educate them before they put their dangerous thoughts into words. And if they resist re-education, perhaps we should imprison them for thought crimes. To prevent a descent into these dystopian conditions where governments police our thoughts and control our words, more of us need to exercise our right to free speech and to ostracize individuals and businesses who are complicit in government censorship. If we don’t, our future will be bleak, for as Aleksandr Solzhenitsyn warned:

“Public opinion! I don’t know how sociologists define it, but it seems obvious to me that it can only consist of interacting individual opinions, freely expressed and

independent of government or party opinion. So long as there is no independent public opinion in our country, there is no guarantee that the extermination of millions and millions for no good reason will not happen again, that it will not begin any night – perhaps this very night.”

*Aleksandr Solzhenitsyn, The Gulag Archipelago, Volume 3*